

JAN 23 2015

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 302D-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Applicant governing board" means the initial governing
6 board established by an eligible group or entity to submit a
7 charter application pursuant to section 302D-13 and is not
8 subject to section 302D-12."

9 2. By amending the definition of "conversion charter
10 school" to read:

11 "Conversion charter school" means:

12 (1) Any existing department school that converts to a
13 charter school and is managed and operated in
14 accordance with section [~~302D-14;~~] 302D-13; or

15 (2) Any existing department school that converts to a
16 charter school and is managed and operated by a



1 nonprofit organization in accordance with section

2 [~~302D-14.~~] 302D-13."

3 3. By amending the definition of "start-up charter school"
4 to read:

5 "'Start-up charter school" means a new charter school
6 established under section 302D-13[~~-~~] that is not a conversion
7 charter school."

8 SECTION 2. Section 302D-3, Hawaii Revised Statutes, is
9 amended by amending subsection (f) to read as follows:

10 "(f) Five members of the commission shall constitute a
11 quorum to conduct business [~~and~~]. Any action taken by the
12 commission shall be by a simple majority of the members of the
13 commission who are present; provided that any action of the
14 commission that may be appealed pursuant to section 302D-15
15 shall require a concurrence of at least five members [~~shall be~~
16 ~~necessary to make any action of the commission~~] to be valid."

17 SECTION 3. Section 302D-5, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) An authorizer shall:

20 (1) Act as [~~the~~] a point of contact between the department
21 and a public charter school it authorizes;



(2) Be responsible for and ensure the compliance of a public charter school it authorizes with all applicable state and federal laws, including reporting requirements;

(3) Be responsible for the receipt of applicable federal funds from the department and the distribution of funds to the public charter school it authorizes; and

(4) Be responsible for the receipt of per-pupil funding from the department of budget and finance and distribution of the funding to the public charter school it authorizes."

SECTION 4. Section 302D-12, Hawaii Revised Statutes, is amended to read as follows:

"§302D-12 Charter school governing boards; powers and duties. (a) No person may serve on the governing board of a charter school if the person is an employee or former employee of any charter school under the jurisdiction of that governing board, a relative of an employee or former employee of any charter school under the jurisdiction of that governing board, or any vendor or contractor providing goods or services to any



1 charter school under the jurisdiction of that governing board,
2 unless:

3 (1) The person is a former employee of a charter school
4 under the jurisdiction of that governing board and at
5 least one year has passed since the conclusion of the
6 former employee's employment with that charter school;

7 (2) The person is a relative of a former employee of a
8 charter school under the jurisdiction of that
9 governing board and at least one year has passed since
10 the conclusion of the former employee's employment
11 with that charter school;

12 (3) The person is a vendor or contractor and at least one
13 year has passed since the conclusion of the vendor or
14 contractor's service to a charter school under the
15 jurisdiction of that governing board; or

16 (4) The person's serving on the governing board shall not
17 cause more than one-third of the voting members of the
18 governing board to be made up of:

19 (A) Employees or former employees of any charter
20 school that is under the jurisdiction of that
21 governing board; provided that this subparagraph



1 shall not include persons who are covered under
2 paragraph (1);

3 (B) Relatives of employees or of former employees of
4 any charter school that is under the jurisdiction
5 of that governing board; provided that this
6 subparagraph shall not include persons who are
7 covered under paragraph (2); and

8 (C) Vendors or contractors who are providing goods or
9 services to any charter school that is under the
10 jurisdiction of that governing board; provided
11 that this subparagraph shall not include persons
12 who are covered under paragraph (3).

13 (b) In selecting governing board members, consideration
14 shall be given to persons who:

15 (1) Provide the governing board with a diversity of
16 perspective and a level of objectivity that accurately
17 represent the interests of the charter school students
18 and the surrounding community;

19 (2) Demonstrate an understanding of best practices of
20 nonprofit governance; and



1 (3) Possess strong financial and academic management and
2 oversight abilities, as well as human resource and
3 fundraising experience.

4 (c) No employee or former employee of a charter school,
5 relative of an employee or former employee of a charter school,
6 or any vendor or contractor providing goods or services to a
7 charter school may serve as the chair of the governing board of
8 that charter school unless at least one year has elapsed since
9 the conclusion of the employee's employment with the school or
10 the conclusion of a vendor's or contractor's service to the
11 school; provided that an authorizer may grant an exemption from
12 the provisions of this subsection based upon a determination by
13 the authorizer that an exemption is in the best interest of the
14 charter school.

15 (d) A nonprofit organization that has been approved by an
16 authorizer to operate and manage a conversion charter school and
17 serve as the conversion charter school's governing board shall
18 establish the nonprofit organization's board of directors as the
19 governing board and shall not be selected pursuant to
20 subsections 302D-12(a), 302D-12(b), and 302D-12(c); provided
21 that:



- 1 (1) The nonprofit organization may also appoint advisory
2 groups of community representatives for each
3 conversion charter school managed by the nonprofit
4 organization; provided that these groups shall not
5 have governing authority over the conversion charter
6 school and shall serve only in an advisory capacity to
7 the nonprofit organization;
- 8 (2) The board of directors of the nonprofit organization,
9 as the governing board of the conversion charter
10 school that it operates and manages, shall have the
11 same protections that are afforded to all other
12 governing boards in its role as the conversion charter
13 school governing body;
- 14 (3) Any conversion charter school that is managed and
15 operated by a nonprofit organization shall be eligible
16 for the same federal and state funding as other public
17 schools; provided that nothing in this section shall
18 prohibit a nonprofit organization from making a
19 contribution toward the operation of a conversion
20 charter school; and



1 (4) If, at any time, the board of directors of the
2 nonprofit organization governing the conversion
3 charter school votes to discontinue its relationship
4 with the charter school as the charter contract
5 holder, the conversion charter school's
6 administrators, teachers, or community may submit a
7 charter application to the authorizer, in accordance
8 with section 302D-13 to continue as a conversion
9 charter school without the participation of the
10 nonprofit organization.

11 ~~[(d)]~~ (e) Section 78-4 shall not apply to members of
12 governing boards; provided that no governing board member shall
13 be allowed to serve on more than two governing boards
14 simultaneously. For purposes of this subsection, a governing
15 board that governs more than one charter school shall be
16 considered one board.

17 ~~[(e)]~~ (f) The governing board shall be the independent
18 governing body of its charter school and shall have oversight
19 over and be responsible for the financial, organizational, and
20 academic viability of the charter school, implementation of the
21 charter, and the independent authority to determine the



1 organization and management of the school, the curriculum,
2 virtual education, and compliance with applicable federal and
3 state laws. The governing board shall ensure its school
4 complies with the terms of the charter contract between the
5 authorizer and the school. The governing board shall have the
6 power to negotiate supplemental collective bargaining agreements
7 with the exclusive representatives of their employees.

8 ~~[(f)]~~ (g) Governing boards and charter schools shall be
9 exempt from chapter 103D, but shall develop internal policies
10 and procedures for the procurement of goods, services, and
11 construction, consistent with the goals of public accountability
12 and public procurement practices. Governing boards and charter
13 schools are encouraged to use the provisions of chapter 103D
14 wherever possible; provided that the use of one or more
15 provisions of chapter 103D shall not constitute a waiver of the
16 exemption from chapter 103D and shall not subject the charter
17 school to any other provision of chapter 103D.

18 ~~[(g)]~~ (h) Charter schools and their governing boards shall
19 be exempt from the requirements of chapters 91 and 92. The
20 governing boards shall:

21 (1) Hold meetings open to the public;



(2) Make available the notices and agendas of public meetings:

(A) At a publicly accessible area in the charter school's office so as to be available for review during regular business hours; and

(B) On the charter school's internet website not less than six calendar days prior to the public meeting, unless a waiver is granted by the authorizer or authorizer's designee in the case of an emergency; and

(3) Make available the minutes from public meetings within thirty days and maintain a list of the current names and contact information of the governing board's members and officers:

(A) In the charter school's office so as to be available for review during regular business hours; and

(B) On the charter school's internet website.

~~(4)~~ (i) All charter school employees and members of governing boards shall be subject to chapter 84.



1 ~~[(i)]~~ (j) Governing boards shall be exempt from sections
2 26-34 and 26-36. The State shall afford the governing board of
3 any charter school the same protections as the State affords the
4 board in accordance with section 26-35.5.

5 ~~[(j)]~~ (k) For purposes of this section:

6 "Employees" shall include but not be limited to:

7 (1) The chief executive officer, chief administrative
8 officer, executive director, or otherwise designated
9 head of a charter school; and

10 (2) Any person under an employment contract to serve as
11 the chief executive officer, chief administrative
12 officer, executive director, or designated head of a
13 charter school.

14 "Relative" means a spouse, fiance, or fiancée of the
15 employee; any person who is related to the employee within four
16 degrees of consanguinity; or the spouse, fiance, or fiancée of
17 such person.

18 ~~[(k)]~~ (l) Governing boards shall have the power to make
19 and execute contracts and all other instruments necessary or
20 convenient for the exercise of their duties and functions under
21 this chapter. ~~[Whenever a charter school or governing board~~



1 ~~seeks to enter into a contract with a private organization,~~
2 ~~whether for-profit or nonprofit, to manage or operate the~~
3 ~~charter school, which contract requires the private organization~~
4 ~~to employ or otherwise provide the charter school with an~~
5 ~~individual to serve in the capacity of the chief executive~~
6 ~~officer, chief administrative officer, executive director, or~~
7 ~~designated head of the charter school, the charter school's~~
8 ~~governing board, in consultation with the state ethics~~
9 ~~commission, shall adopt standards of conduct that shall apply to~~
10 ~~the chief executive officer, chief administrative officer,~~
11 ~~executive director, or designated head of the charter school.~~
12 ~~The standards of conduct shall include provisions relating to~~
13 ~~gifts, fair treatment or misuse of position, and conflicts of~~
14 ~~interest, and shall be incorporated into and made part of any~~
15 ~~contract or arrangement between the charter school or governing~~
16 ~~board and the private organization for those services.]"~~

17 SECTION 5. Section 302D-13, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§302D-13 Start-up and conversion charter schools;**
20 **establishment.** (a) New start-up and conversion charter schools
21 may be established pursuant to this section.



1 (b) Any community, department school, school community
2 council, group of teachers, group of teachers and
3 administrators, or nonprofit organization may submit a letter of
4 intent to an authorizer to form a charter school[7] and
5 establish [a] an applicant governing board [as its governing
6 body, and]. An applicant governing board may develop a charter
7 application pursuant to [subsection (d).] this section; provided
8 that:

9 (1) An applicant governing board established by a
10 community may develop a charter application for a
11 start-up charter school;

12 (2) An applicant governing board established by a
13 department school or a school community council may
14 develop a charter application for a conversion charter
15 school;

16 (3) An applicant governing board established by a group of
17 teachers or a group of administrators may develop a
18 charter application for a start-up or conversion
19 charter school; and

20 (4) A nonprofit organization may:



1 (A) Establish an applicant governing board that is
2 separate from the nonprofit organization and
3 develop a charter application for a start-up or
4 conversion charter school; or

5 (B) Establish an applicant governing board that shall
6 be the board of directors of the nonprofit
7 organization and may develop a charter
8 application for a conversion charter school;
9 provided that any nonprofit organization that
10 seeks to manage and operate a conversion charter
11 school shall:

12 (i) Submit to the authorizer at the time of the
13 charter application bylaws or policies that
14 describe the manner in which business is
15 conducted and policies that relate to the
16 management of potential conflict of
17 interests situations;

18 (ii) Have experience in the management and
19 operation of public or private schools or,
20 to the extent necessary, agree to obtain



1 appropriate services from another entity or
2 entities possessing such experience; and
3 (iii) Not interfere in the operations of the
4 department school to be converted until
5 otherwise authorized by the authorizer in
6 consultation with the department.

7 (c) The [~~start-up~~] charter school [~~charter~~] application
8 process and schedule shall be determined by the authorizer, and
9 shall provide for and include, at a minimum, the following
10 elements:

11 (1) The issuance and publication of a request for
12 proposals by the authorizer on the authorizer's
13 website that, at a minimum:

14 (A) Solicits charter applications and presents the
15 authorizer's strategic vision for chartering;

16 (B) Includes or directs applicant governing boards to
17 the performance framework developed by the
18 authorizer in accordance with section 302D-16;

19 (C) Includes criteria that will guide the
20 authorizer's decision to approve or deny a
21 charter application;



1 (D) States clear, appropriately detailed questions
2 and provides guidelines concerning the format and
3 content essential for applicant governing boards
4 to demonstrate the capacities necessary to
5 establish and operate a successful charter
6 school; and

7 (E) Requires charter applications to provide or
8 describe all essential elements, as determined by
9 the authorizer, of proposed school plans;

10 ~~[(1+)]~~ (2) The submission of a letter of intent to open and
11 operate a start-up charter school[+] or to convert a
12 department school to a conversion charter school;

13 ~~[(2)- The availability of the charter application form and~~
14 ~~completion guidelines on the authorizer's website;]~~

15 (3) The timely submission of a completed charter
16 application to the authorizer; provided that a charter
17 application for a conversion charter school shall
18 include certification and documentation that the
19 charter application was approved by a majority of the
20 votes cast by existing administrative, support, and



1 teacher personnel, and parents of students at the
2 existing department school; provided that:

3 (A) This vote shall be considered by the authorizer
4 to be the primary indication of the existing
5 administrative, support, and teaching personnel,
6 and parents' approval to convert to a charter
7 school;

8 (B) The balance of stakeholders represented in the
9 vote and the extent of support received in
10 support of the conversion shall be key factors,
11 along with the applicant's proposed plans, to be
12 considered by the authorizer when deciding
13 whether to award a charter; and

14 (C) A breakdown of the number of administrative,
15 support, and teaching personnel, and parents of
16 students who constitute the existing department
17 school and the number who actually participated
18 in the vote shall be provided to the authorizer;

19 (4) The timely review of the charter application by the
20 authorizer for completeness, and notification by the



1 authorizer to the applicant governing board that the
2 charter application is complete;

3 (5) Upon receipt of a completed charter application, the
4 review and evaluation of the charter application by
5 qualified persons[+] including but not limited to:

6 (A) An in-person interview with representatives from
7 the applicant governing board; and

8 (B) An opportunity in a public forum for the public
9 to provide input on each charter application;

10 (6) Following the review and evaluation of a charter
11 application, approval or denial of the charter
12 application by the authorizer[+] in a meeting open to
13 the public;

14 (7) A provision for a final date by which a decision to
15 approve or deny a charter application must be made by
16 the authorizer, upon receipt of a complete charter
17 application; and

18 (8) A provision that no [~~start-up~~] charter school may
19 begin operation before obtaining authorizer approval
20 of its charter application and charter contract and
21 fulfilling pre-opening requirements that may be



1 imposed by the authorizer~~[-]~~, pursuant to section
2 302D-14.5.

3 (d) A charter application to become a start-up or
4 conversion charter school shall meet the requirements of this
5 subsection ~~[and]~~, section 302D-25[-], and any other requirements
6 set by the authorizer. The charter application shall, at a
7 minimum~~[, include the following:]~~:

8 (1) ~~[A description of employee rights and management~~
9 ~~issues and a framework for addressing those issues~~
10 ~~that protects the rights of employees;]~~ Include plans
11 for a charter school that are likely to satisfactorily
12 meet the academic, financial, organizational, and
13 operational performance indicators, measures, and
14 metrics set forth in the authorizer's performance
15 framework, pursuant to section 302D-16;

16 (2) ~~[A plan for identifying, recruiting, and retaining~~
17 ~~highly qualified instructional faculty as defined by~~
18 ~~the department;]~~ Include plans for a charter school
19 that is in compliance with applicable laws; and



- 1 (3) ~~[A plan for identifying, recruiting, and selecting~~
2 ~~students that is not exclusive, elitist, or~~
3 ~~segregationist, and complies with this chapter;~~
- 4 ~~(4) The curriculum and instructional framework to be used~~
5 ~~to achieve student outcomes, including an assessment~~
6 ~~plan;~~
- 7 ~~(5) A plan for the assessment of student, administrative~~
8 ~~support, and teaching personnel performance that:~~
- 9 ~~(A)] Recognizes the interests of the general~~
10 ~~public[+].~~
- 11 ~~[(B) Incorporates or exceeds the educational content~~
12 ~~and performance standards developed by the~~
13 ~~department for the public school system;~~
- 14 ~~(C) Includes a system of faculty and staff~~
15 ~~accountability that holds faculty and staff~~
16 ~~individually and collectively accountable for~~
17 ~~their performance, and that is at least~~
18 ~~equivalent to the average system of~~
19 ~~accountability in public schools throughout the~~
20 ~~State; and~~



~~(D) Provides for program audits and annual financial audits;~~

~~(6) A governance structure for the charter school that incorporates a conflict of interest policy and a plan for periodic training to carry out the duties of governing board members;~~

~~(7) A description of the constitution of the governing board, terms of governing board members, and the process by which governing board members were selected;~~

~~(8) A financial plan based on the most recent fiscal year's per-pupil charter school allocation that demonstrates the ability to meet the financial obligations of one-time, start-up costs and ongoing costs such as monthly payrolls, faculty recruitment, professional development, and facilities costs; and~~

~~(9) A facilities plan.]~~

(e) In reviewing a charter application under this section, an authorizer shall take into consideration the constitution of the ~~[applicant's]~~ applicant governing board, terms of applicant



1 governing board members, and the process by which applicant
2 governing board members were selected.

3 (f) In reviewing charter applications under this section,
4 an authorizer shall develop a schedule to approve or deny a
5 charter application by the end of the calendar year prior to the
6 opening year of the proposed charter school for purposes of
7 meeting any deadlines to request funding from the
8 legislature~~[-]~~; provided that nothing in this section shall be
9 construed as requiring an authorizer to accept and review
10 charter applications annually.

11 (g) In the event of a conflict between the provisions in
12 this section and other provisions in this chapter, this section
13 shall control."

14 SECTION 6. Section 302D-14.5, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By amending subsections (a) through (c) to read as
17 follows:

18 "(a) The authorizer may require ~~[a charter]~~ an applicant
19 governing board whose charter application is approved by the
20 authorizer pursuant to section 302D-13 ~~[or 302D-14]~~ to
21 satisfactorily meet pre-contracting criteria set by the



1 authorizer before being allowed to enter into a charter
2 contract.

3 (b) An approved [~~charter~~] applicant governing board that
4 fails to satisfactorily meet the pre-contracting criteria and
5 enter into a charter contract with its authorizer within the
6 period initially established or subsequently extended by the
7 authorizer shall be considered to have withdrawn its
8 application.

9 (c) [~~A charter~~] An applicant governing board shall not be
10 considered an entity of the State [~~until the~~], but shall have
11 the authority to execute the initial charter contract; provided
12 that the term of duration of the initial charter contract shall
13 not exceed five years, not including the pre-opening period.
14 Upon the execution of the initial charter contract, the
15 applicant governing board shall become the governing board of
16 the newly established pre-opening charter school [~~is established~~
17 ~~by execution of the charter contract~~]. A pre-opening charter
18 school that is a conversion charter school shall be a separate
19 entity of the State from the department school from which it is
20 converting during the start-up period."

21 2. By amending subsection (f) to read:



1 "(f) An approved [~~charter~~] applicant governing board that
2 withdraws its application shall not be allowed to execute a
3 charter contract unless it reapplies and has its charter
4 application approved by an authorizer in accordance with this
5 chapter."

6 SECTION 7. Section 302D-21, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**\$302D-21 Annual board report.** No later than [~~twenty days~~
9 ~~prior to the convening~~] the opening day of each regular session
10 of the legislature, the board shall issue to the governor, the
11 legislature, and the public, an annual report on the State's
12 public charter schools, drawing from the annual reports
13 submitted by every authorizer, as well as any additional
14 relevant data compiled by the board, for the school year ending
15 in the preceding calendar year. The annual report shall
16 include:

- 17 (1) The board's assessment of the successes, challenges,
18 and areas for improvement in meeting the purposes of
19 this chapter, including the board's assessment of the
20 sufficiency of funding for public charter schools, and



1 any suggested changes in state law or policy necessary
2 to strengthen the State's public charter schools;

3 (2) A line-item breakdown of all federal funds received by
4 the department and distributed to authorizers;

5 (3) Any concerns regarding equity and recommendations to
6 improve access to and distribution of federal funds to
7 public charter schools; and

8 (4) A discussion of all board policies adopted in the
9 previous year, including a detailed explanation as to
10 whether each policy is or is not applicable to charter
11 schools."

12 SECTION 8. Section 302D-24, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) When the department considers whether to close any
15 particular department school, the department shall submit a
16 notice of possible availability of a department school or notice
17 of vacancy of a department school to the board pursuant to
18 section 302A-1151.5(b) [~~provided that the department has not~~
19 ~~elected to use the department school to support education~~
20 ~~programs]~~."



1 SECTION 9. Section 302D-33, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The [~~commission~~] authorizer shall [~~develop procedures~~
4 ~~for obtaining~~] require charter schools to obtain verifiable
5 information regarding the criminal history of persons who are
6 employed or seeking employment in any position, including
7 teacher trainees, that places them in close proximity to
8 children[~~. These procedures shall include~~], including criminal
9 history record checks in accordance with section 846-2.7.
10 Information obtained pursuant to this subsection shall be used
11 exclusively by the [~~employer or prospective employer~~] charter
12 school for the purpose of determining whether a person is
13 suitable for working in close proximity to children. All such
14 decisions shall be subject to applicable federal laws and
15 regulations."

16 SECTION 10. Section 302D-34, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) A start-up charter school:

19 (1) Shall be open to any student residing in the State who
20 is entitled to attend a department school;



- 1 (2) Shall enroll all students who submit an application,
2 unless the number of students who submit an
3 application exceeds the capacity of a program, class,
4 grade level, or building; provided that a student who
5 is currently enrolled in a charter school that has
6 been notified of the prospect of revocation in
7 accordance with section 302D-18, or is closing in
8 accordance with section 302D-19, whichever occurs
9 first, shall be given first priority to enroll at
10 another charter school to which the student applies,
11 or placed at the top of the waitlist for enrollment;
12 (3) Shall select students through a public lottery if, as
13 described in paragraph (2), capacity is insufficient
14 to enroll all students who have submitted a timely
15 application;
16 (4) May give an enrollment preference to students within a
17 given age group or grade level and may be organized
18 around a special emphasis, theme, or concept as stated
19 in the charter school's application and as approved by
20 the charter school's authorizer;



(5) May give an enrollment preference to students enrolled in the charter school during the previous school year and to siblings of students already enrolled at the charter school; ~~[and]~~

(6) May give an enrollment preference through a weighted lottery to educationally disadvantaged students. For the purposes of this section, "weighted lottery" means any lottery that gives additional weight to individual students who are identified as part of a specified set of students but does not reserve or set aside seats for individual students or sets of students. For the purposes of this section, "educationally disadvantaged students" means students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students; and

~~[(+6)]~~ (7) May give any other enrollment preference permitted by the charter school's authorizer, on an individual charter school basis, if consistent with law;



1 provided that nothing in this subsection shall preclude the
2 formation of a start-up charter school whose mission is focused
3 on serving students with disabilities, who are of the same
4 gender, who pose such severe disciplinary problems that they
5 warrant a specific educational program, or who are at a risk of
6 academic failure."

7 SECTION 11. Section 302D-14, Hawaii Revised Statutes, is
8 repealed.

9 ~~["§302D-14 Conversion charter schools; establishment. (a)~~

10 ~~A conversion charter school may be established pursuant to this~~
11 ~~section.~~

12 ~~(b) Any department school, school community council, group~~
13 ~~of teachers, group of teachers and administrators, or nonprofit~~
14 ~~organization may submit a letter of intent to an authorizer to~~
15 ~~convert a department school to a charter school, establish a~~
16 ~~governing board as its governing body, and develop a charter~~
17 ~~application pursuant to subsection (d).~~

18 ~~(c) The conversion charter school charter application~~
19 ~~process and schedule shall be determined by the authorizer, and~~
20 ~~shall provide for and include the following elements:~~



1 ~~(1) The submission of a letter of intent to convert to a~~
2 ~~charter school;~~

3 ~~(2) The availability of the charter application form and~~
4 ~~completion guidelines on the authorizer's website;~~

5 ~~(3) The timely submission of a completed charter~~
6 ~~application to the authorizer; provided that the~~
7 ~~charter application shall include certification and~~
8 ~~documentation that the charter application was~~
9 ~~approved by a majority of the votes cast by existing~~
10 ~~administrative, support, and teaching personnel, and~~
11 ~~parents of students at the existing department school;~~
12 ~~provided that:~~

13 ~~(A) This vote shall be considered by the authorizer~~
14 ~~to be the primary indication of the existing~~
15 ~~administrative, support, and teaching personnel,~~
16 ~~and parents' approval to convert to a charter~~
17 ~~school;~~

18 ~~(B) The balance of stakeholders represented in the~~
19 ~~vote and the extent of support received in~~
20 ~~support of the conversion shall be key factors,~~
21 ~~along with the applicant's proposed plans, to be~~



1 ~~considered by the authorizer when deciding~~

2 ~~whether to award a charter; and~~

3 ~~(C) A breakdown of the number of administrative,~~

4 ~~support, and teaching personnel, and parents of~~

5 ~~students who constitute the existing department~~

6 ~~school and the number who actually participated~~

7 ~~in the vote shall be provided to the authorizer;~~

8 ~~(4) The timely review of the charter application by the~~

9 ~~authorizer for completeness, and notification by the~~

10 ~~authorizer to the governing board that the charter~~

11 ~~application is complete;~~

12 ~~(5) Upon receipt of a completed charter application, the~~

13 ~~review and evaluation of the charter application by~~

14 ~~qualified persons;~~

15 ~~(6) Following the review and evaluation of a charter~~

16 ~~application, approval or denial of the charter~~

17 ~~application by the authorizer;~~

18 ~~(7) A provision for a final date by which a decision of~~

19 ~~whether to approve or deny a charter application must~~

20 ~~be made by the authorizer, upon receipt of a complete~~

21 ~~charter application; and~~



~~(8) A provision that no conversion charter school may begin operation before obtaining authorizer approval of its charter and charter contract and fulfilling pre-opening requirements that may be imposed by the authorizer.~~

~~(d) A charter application to become a conversion charter school shall meet the requirements of this subsection and section 302D-25. The charter application shall include, at a minimum, the following:~~

~~(1) A description of employee rights and management issues and a framework for addressing those issues that protects the rights of employees;~~

~~(2) A plan for identifying, recruiting, and retaining highly qualified instructional faculty, as defined by the department;~~

~~(3) A plan for identifying, recruiting, and selecting students that is not exclusive, elitist, or segregationist, and complies with this chapter;~~

~~(4) The curriculum and instructional framework to be used to achieve student outcomes, including an assessment plan;~~



- 1 ~~(5) A plan for the assessment of student, administrative~~
2 ~~support, and teaching personnel performance that:~~
- 3 ~~(A) Recognizes the interests of the general public;~~
4 ~~(B) Incorporates or exceeds the educational content~~
5 ~~and performance standards developed by the~~
6 ~~department for the public school system;~~
- 7 ~~(C) Includes a system of faculty and staff~~
8 ~~accountability that holds faculty and staff~~
9 ~~individually and collectively accountable for~~
10 ~~their performance, and that is at least~~
11 ~~equivalent to the average system of~~
12 ~~accountability in public schools throughout the~~
13 ~~State; and~~
- 14 ~~(D) Provides for program audits and annual financial~~
15 ~~audits;~~
- 16 ~~(6) A governance structure for the charter school that~~
17 ~~incorporates a conflict of interest policy and a plan~~
18 ~~for periodic training to carry out the duties of~~
19 ~~governing board members;~~
- 20 ~~(7) A description of the constitution of the governing~~
21 ~~board, terms of governing board members, and the~~



1 ~~process by which governing board members were~~
2 ~~selected;~~

3 ~~(8) A financial plan based on the most recent fiscal~~
4 ~~year's per-pupil charter school allocation that~~
5 ~~demonstrates the ability to meet the financial~~
6 ~~obligations of one-time, start-up costs and ongoing~~
7 ~~costs such as monthly payrolls, faculty recruitment,~~
8 ~~professional development, and facilities costs; and~~

9 ~~(9) A facilities plan.~~

10 ~~(e) A nonprofit organization may submit a letter of intent~~
11 ~~to an authorizer to convert a department school to a conversion~~
12 ~~charter school, operate and manage the school, establish a~~
13 ~~governing board as its governing body, and develop a charter~~
14 ~~application pursuant to subsection (d); provided that:~~

15 ~~(1) As the governing body of the conversion charter~~
16 ~~school, the governing board shall be the board of~~
17 ~~directors of the nonprofit organization and shall not~~
18 ~~be selected pursuant to section 302D-12. The~~
19 ~~nonprofit organization may also appoint advisory~~
20 ~~groups of community representatives for each school~~
21 ~~managed by the nonprofit organization; provided that~~



1 ~~these groups shall not have governing authority over~~
2 ~~the school and shall serve only in an advisory~~
3 ~~capacity to the nonprofit organization;~~

4 ~~(2) The charter application for each conversion charter~~
5 ~~school to be operated by the nonprofit organization~~
6 ~~shall be formulated, developed, and submitted by the~~
7 ~~nonprofit organization, and shall be approved by a~~
8 ~~majority of the votes cast by existing administrative,~~
9 ~~support, and teaching personnel, and parents of~~
10 ~~students of the existing department school; provided~~
11 ~~that:-~~

12 ~~(A) This vote shall be considered by the authorizer~~
13 ~~to be the primary indication of the existing~~
14 ~~administrative, support, and teaching personnel,~~
15 ~~and parents' approval to convert to a charter~~
16 ~~school;~~

17 ~~(B) The balance of stakeholders represented in the~~
18 ~~vote and the extent of support received in~~
19 ~~support of the conversion shall be a key factor,~~
20 ~~along with the applicant's proposed plans, in an~~
21 ~~authorizer's decision to award a charter; and~~



~~(C) A breakdown of the number of administrative, support, and teaching personnel, and parents of students who constitute the existing department school and the number who actually participated in the vote shall be provided to the authorizer;~~

~~(3) The board of directors of the nonprofit organization, as the governing body for the conversion charter school that it operates and manages, shall have the same protections that are afforded to the board in its role as the conversion charter school governing body;~~

~~(4) Any conversion charter school that is managed and operated by a nonprofit organization shall be eligible for the same federal and state funding as other public schools; provided that nothing in this section shall prohibit a nonprofit organization from making a contribution toward the operation of a conversion charter school; and~~

~~(5) If, at any time, the board of directors of the nonprofit organization governing the conversion charter school votes to discontinue its relationship with the charter school, the charter school may submit~~



1 ~~a revised charter application to the authorizer to~~
2 ~~continue as a conversion charter school without the~~
3 ~~participation of the nonprofit organization.~~

4 ~~(f) Any nonprofit organization that seeks to manage or~~
5 ~~operate a conversion charter school as provided in subsection~~
6 ~~(e) shall comply with the following at the time of charter~~
7 ~~application:~~

8 ~~(1) Have bylaws or policies that describe the manner in~~
9 ~~which business is conducted and policies that relate~~
10 ~~to the management of potential conflict of interest~~
11 ~~situations;~~

12 ~~(2) Have experience in the management and operation of~~
13 ~~public or private schools or, to the extent necessary,~~
14 ~~agree to obtain appropriate services from another~~
15 ~~entity or entities possessing such experience;~~

16 ~~(3) Comply with all applicable federal, state, and county~~
17 ~~laws, including licensure or accreditation, as~~
18 ~~applicable; and~~

19 ~~(4) Comply with any other requirements prescribed by the~~
20 ~~department to ensure adherence with applicable~~



1 federal, state, and county laws, and the purposes of
2 this chapter.

3 ~~(g) In reviewing a charter application for a charter under~~
4 ~~this section, an authorizer shall take into consideration the~~
5 ~~constitution of the applicant's governing board, terms of~~
6 ~~governing board members, and the process by which governing~~
7 ~~board members were selected.~~

8 ~~(h) In the event of a conflict between the provisions in~~
9 ~~this section and other provisions in this chapter, this section~~
10 ~~shall control.~~

11 ~~(i) In reviewing charter applications for a charter under~~
12 ~~this section, an authorizer shall develop a schedule to approve~~
13 ~~or deny a charter application by the end of the calendar year~~
14 ~~for purposes of meeting any deadlines to request funding from~~
15 ~~the legislature."]~~

16 SECTION 12. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 13. This Act shall take effect upon its approval.

19 INTRODUCED BY:

Mushille Silani
Erzine R. Monroe
D



S.B. NO. 831

Breene Hunt



S.B. NO. 831

Report Title:

Public Charter Schools; Charter Schools Commission

Description:

Amends the chapter governing public charter schools to align the requirements for start-up and conversion charter schools.

Defines "applicant governing board" and makes conforming amendments. Makes other housekeeping amendments.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

